

**§ 319.74-3 Importations by the Department.**

The U.S. Department of Agriculture may import cut flowers for experimental or scientific purposes under such conditions and restrictions as the Administrator may prescribe to prevent the dissemination of plant pests.

**§ 319.74-4 Costs and charges.**

The Animal and Plant Health Inspection Service, U.S. Department of Agriculture, will be responsible only for the costs of providing the services of an inspector during regularly assigned hours of duty and at the usual places of duty (provisions relating to costs for other services of an inspector are contained in 7 CFR part 354). The importer, owner, or agent or representative of the importer or owner of cut flowers is responsible for all additional costs of inspection, treatment, movement, storage, or destruction ordered by an inspector under this subpart, including the costs of any labor, chemicals, packing materials, or other supplies required.

**§ 319.74-3 Conditions governing the entry of cut flowers.**

(a) All cut flowers shall be given such inspection and treatment at the port of entry as may be deemed necessary by the inspector. Cut flowers imported from any country or locality and found upon inspection to be infested with agromyzids (insects of the family Agromyzidae) shall be fumigated at the time of importation with methyl bromide in accordance with a procedure specified in paragraph (c) of this section, except that such fumigation shall not be required for cut flowers imported from Canada (including Labrador and Newfoundland) or Mexico because of the finding of agromyzids, and shall not be required for cut flowers of *Chrysanthemum* spp. imported from Colombia or the Dominican Republic because of the finding of agromyzids, when such agromyzids are identified by an inspector to be only agromyzids of the species *Liriomyza trifolii* (Burgess). Any cut flowers found upon inspection to be infested with injurious insects or infected with plant diseases, which cannot be eliminated by treatment, shall be denied entry. The importer

will be given the option of abandoning for destruction such rejected cut flowers or immediately shipping them to a point outside the United States.

(b) Whenever, during the inspection of cut flowers imported in accordance with the regulations in this subpart, the inspector shall find them to be infested with an injurious insect or infected with an injurious plant disease, which can be eliminated by a method of treatment selected by him in accordance with administratively authorized procedures known to be effective under the conditions applied, he may prescribe as a condition of entry that such treatment be applied by the importer or his agent, under the supervision of the inspector. All costs for such treatment, except for the services of the inspector, shall be borne by the importer or his agent. Neither the Department of Agriculture nor the inspector shall be deemed responsible for any adverse effects of such treatment on the cut flowers so treated. In lieu of treatment the importer of infested or infected cut flowers shall be given the option of immediately shipping them to a point outside the United States or abandoning them for immediate destruction.

(c) Fumigation of cut flowers for agromyzids (insects of the family Agromyzidae) shall consist of fumigation with methyl bromide at normal atmospheric pressure in a chamber or under a tarpaulin in accordance with one of the following schedules:

*1½ lbs. per 1000 cu. ft. for 2 hours at 80°-90° F.*

(19 oz. concentration at first ½ hour)  
(12 oz. concentration at 2 hours); or

*2 lbs. per 1000 cu. ft. for 2 hours at 70°-79° F.*

(24 oz. concentration at first ½ hour)  
(16 oz. concentration at 2 hours); or

*2½ lbs. per 1000 cu. ft. for 2 hours at 60°-69° F.*

(30 oz. concentration at first ½ hour)  
(20 oz. concentration at 2 hours); or

*3 lbs. per 1000 cu. ft. for 2 hours at 50°-59° F.*

(36 oz. concentration at first ½ hour)  
(24 oz. concentration at 2 hours); or

*3½ lbs. per 1000 cu. ft. for 2 hours at 40°-49° F.*

(41 oz. concentration at first ½ hour)  
(27 oz. concentration at 2 hours)